

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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RICHARD SMITH,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civ. No. 16-9069 (KM)

**MEMORANDUM AND ORDER**

Petitioner is an immigration detainee currently lodged at the Essex County Correctional Facility in Newark, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his current immigration detention in his habeas petition. Respondent filed an answer in opposition to the habeas petition on January 17, 2017. (*See* Dkt. No. 4) In that response, respondent indicated that an Immigration Judge (“IJ”) had scheduled an individual merits hearing on petitioner’s removal for January 17, 2017. The time for petitioner to file a reply to his habeas petition has now expired. Nevertheless, prior to this Court issuing a ruling on the pending habeas petition, respondent shall be ordered to provide this Court with a status update of petitioner’s immigration proceedings. Indeed, whether petitioner has been ordered removed by the IJ, and if so, whether petitioner has appealed such a potential order of removal to the Board of Immigration Appeals may have an impact on how this case is decided.

Accordingly, IT IS this 22d day of February, 2017,

ORDERED that respondent shall file a report within seven (7) days that updates this Court on petitioner’s immigration proceedings; and it is further

ORDERED that petitioner may file a response to respondent's status report within seven (7) days after it is filed; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S mail.

  
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KEVIN MCNULTY  
United States District Judge